



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$456,243.54), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$10,521.03).

MEETING DATE: March 22, 2005 Special City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$456,243.54, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$10,521.03 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, and Kronick, Moskovitz, Tiedemann & Girard that were incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$10,521.03).

Folger, Levin & Kahn - November 1- December 31, 2004

<u>Matter Invoice</u>	<u>Description</u>	<u>Amount</u>
<u>No. No.</u>		
2001 86779	Lehman Bros. v. City of Lodi	\$ 36,206.89
2002 86808	City of Lodi v. Lehman Bros.	\$ 30,886.40
2003 86810	Farr Associates v. City of Lodi	\$ 1,256.00
2004 86811	Exponent, Inc. v. City of Lodi	\$ 2,360.87
2005 86812	Environmental Forensic Investigations, Inc. v. City of Lodi	\$ 6,408.30
2006 86813	Magellan Environmental Inc. v. City of Lodi	\$ 1,239.60
8001 86759	General Advice/Environmental Contamination Matters	\$ 10,202.01
8002 86823	People v. M&P Investments	\$307,565.30
8003 86816	Hartford Insurance Coverage Litigation	\$ 1,947.66
8006 86818	Fireman's Fund/Unigard Appeal	\$ 22,419.73
8007 86819	Regulatory Agency Orders	\$ 3,560.23
8008 86820	Envision Law Group	\$ 16,269.81
		<u>\$440,322.80</u>

Folger, Levin & Kahn - November 1- January 31, 2005

<u>Matter Invoice</u>	<u>Description</u>	<u>Amount</u>
<u>No. No.</u>		
8005 86817	Unigard Insurance Litigation	\$ 1,546.35

Kronick, Moskovitz, Tiedemann & Girard

<u>Matter No./Description</u>	<u>Coverage Period</u>	<u>Invoice No.</u>	<u>Amount</u>
11233.021 On-site Litigation Support (Docket Clerk)	Through 02/25/05	219298	<u>\$ 700.99</u>
11233.001 General Advice	Through 02/25/05	219299	\$ 652.59*
11233.003 Lehman Brothers, Inc.	Through 02/25/05	219299	\$ 117.50
11233.004 Envision Law Firm	Through 02/25/05	219299	\$ 1,232.00
11233.009 Rogers v. County of San Joaquin, et al.	Through 02/25/05	219299	\$ 9,512.62*
11233.010 Phelps v. City of Lodi et al.	Through 02/25/05	219299	\$ 355.82*

APPROVED:

Blair King, City Manager

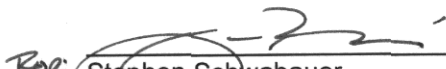
11233.017 M&P Investments	Through 02/25/05	219299	\$ 383.54
11233.023 City of Lodi v. City of Stockton	Through 02/25/05	219299	\$ 1,419.33
*Requires Special Allocation for payment from General Fund (\$10,521.03).			\$ 13,673.40

GRAND TOTAL OF ALL INVOICES \$ 456,243.54

FISCAL IMPACT: Costs in the amount of \$10,521.03 will come from the General Fund since it is related to two general liability cases and for general advice relating to miscellaneous City matters being handled by outside counsel.

FUNDING AVAILABLE:

Water	\$222,861.25
Wastewater	\$222,861.26
General Fund	\$ 10,521.03


 For, Stephen Schwabauer
 City Attorney

Approved:


Jim Krueger, Finance Director



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

REVISED

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$444,537.01), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$10,521.03).

MEETING DATE: March 22, 2005 Special City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$444,537.01, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$10,521.03 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, and Kronick, Moskovitz, Tiedemann & Girard that were incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$10,521.03).

Folger, Levin & Kahn - November 1– December 31, 2004

Matter No.	Invoice No.	Description	Amount
2001	86779	Lehman Bros. v. City of Lodi	\$ 36,206.89 Less (-197.50) = \$ 36,009.39
2002	86808	City of Lodi v. Lehman Bros.	\$ 30,886.40 Less (-1,854.00) = \$ 29,032.40
2003	86810	Farr Associates v. City of Lodi	\$ 1,256.00
2004	86811	Exponent, Inc. v. City of Lodi	\$ 2,360.87
2005	86812	Environmental Forensic Investigations, Inc. v. City of Lodi	\$ 6,408.30
2006	86813	Magellan Environmental Inc. v. City of Lodi	\$ 1,239.60
8001	86759	General Advice/Environmental Contamination Matters	\$ 10,202.01 Less (-940.00) = \$ 9,262.01
8002	86823	People v. M&P Investments	\$307,565.30 Less (-8,715.03) = \$298,850.27
8003	86816	Hartford Insurance Coverage Litigation	\$ 1,947.66
8006	86818	Fireman's Fund/Unigard Appeal	\$ 22,419.73
8007	86819	Regulatory Agency Orders	\$ 3,560.23
8008	86820	Envision Law Group	\$ 16,269.81
			\$428,616.27

Folger, Levin & Kahn - November 1– January 31, 2005

Matter No.	Invoice No.	Description	Amount
8005	86817	Unigard Insurance Litigation	\$ 1,546.35

Kronick, Moskovitz, Tiedemann & Girard

Matter No./Description	Coverage Period	Invoice No.	Amount
11233.021 On-site Litigation Support (Docket Clerk)	Through 02/25/05	219298	\$ 700.99
11233.001 General Advice	Through 02/25/05	219299	\$ 652.59*
11233.003 Lehman Brothers, Inc.	Through 02/25/05	219299	\$ 117.50
11233.004 Envision Law Firm	Through 02/25/05	219299	\$ 1,232.00
11233.009 Rogers v. County of San Joaquin, et al.	Through 02/25/05	219299	\$ 9,512.62*

APPROVED:

Blair King
Blair King, City Manager

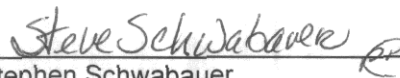
11233.010 Phelps v. City of Lodi et al.	Through 02/25/05	219299	\$	355.82*
11233.017 M&P Investments	Through 02/25/05	219299	\$	383.54
11233.023 City of Lodi v. City of Stockton	Through 02/25/05	219299	\$	1,419.33
*Requires Special Allocation for payment from General Fund (\$10,521.03).			\$	13,673.40

GRAND TOTAL OF ALL INVOICES \$ 444,537.01

FISCAL IMPACT: Costs in the amount of \$10,521.03 will come from the General Fund since it is related to two general liability cases and for general advice relating to miscellaneous City matters being handled by outside counsel.

FUNDING AVAILABLE:

Water	\$217,007.99
Wastewater	\$217,007.99
General Fund	\$ 10,521.03



 Stephen Schwabauer
 City Attorney

Approved:



 Jim Krueger, Finance Director